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Forty-sixth session

SUMMARY RECORD OF THE 1193rd MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 29 October 1992, at 10 a.m.

Chairman: Mr. POCAR

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The meeting was called to order at 10.20 a.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 40 OF THE COVENANT (agenda item 4) (continued)

Second periodic report of the Islamic Republic of Iran (CCPR/C/28/Add.15)

1. At the invitation of the Chairman, Mr. Mehrpour, Mr. Hussaini, Mr. Tahsildoost and Mr. Nasseri (Islamic Republic of Iran) took places at the Committee table.

2. Mr. MEHRPOUR (Islamic Republic of Iran), introducing his country's second periodic report (CCPR/C/28/Add.15), said that he appreciated the opportunity to appear before the Committee and would welcome its constructive comments.

3. The adoption of the International Covenant on Civil and Political Rights had represented one of the most important steps towards the recognition of the dignity and honour of the human being, and its observance could play a significant role in establishing justice and peace. Despite the difficulties arising from the diversity of cultures, practices and traditions of various countries, the signatory Governments had made great efforts to fulfil the requirements of the Covenant and to prepare the periodic reports called for. The main objective of the Covenant was to secure recognition of the inherent dignity and the equal and inalienable rights of all members of the human family and a realization by the individual of his duties to others and to the community to which he belonged, with a view to establishing justice and eliminating tyranny and discrimination.

4. Among the important principles laid down in the Covenant were the rights to life, freedom from slavery, freedom of thought, conscience and religion, freedom of expression and equality before the law - provided for in articles 6, 8, 18, 19 and 26. The various means prescribed for preventing any violation of those rights included the principles of presumption of innocence, the non-retroactivity of the law, the right to a fair trial, the right to a defence counsel, the prohibition of torture and the right to appeal.

5. The Covenant was a valuable international instrument whose correct enforcement could help to preserve the inherent value and dignity of human beings. That was the fundamental basis of his country's order. The right to life was among its most respected principles and those of the Islamic religion on which it was based. Article 1 of the Constitution laid down that the form of government of Iran was that of an Islamic Republic, endorsed by the people of Iran on the basis of their long-standing belief in the sovereignty of truth and Qur'anic justice. Many references were made in the Qur'an to respect for the right to life, and the violation of that principle was considered a grave sin. The Qur'an forbade the taking of life other than in retribution for murder, in accordance with justice. In cases of premeditated murder, it stated that the killer must be subject to execution, but that the victim's family should be encouraged to show clemency.

6. Freedom of thought, conviction and expression were fully respected. Article 23 of the Constitution laid down that the investigation of individuals' beliefs was forbidden and no one could be molested or taken to

task simply for holding a certain belief. Article 24 provided that publications and the press had freedom of expression except when that was detrimental to the fundamental principles of Islam or the rights of the public. Islam was a major advocate of freedom of thought, and in many of its suras, the Qur'an invited people to think freely and not to follow blindly the narrow thinking of their forefathers, to use their powers of thought and wisdom, to listen to everything, to evaluate the logic of others and to express their feelings freely. No compulsion was exercised on people with respect to their religious convictions. The limitations of freedom of expression and ideas in Islamic law and in the Constitution were only as provided for in the Covenant. For example, article 19 (3) of the Covenant stipulated that the exercise of the right to freedom of expression could be subject to certain restrictions necessary for respect of the rights or reputations of others and for the protection of national security or of public order or of public health or morals; while article 18 (3) stated that freedom to manifest one's religion or beliefs could be subject only to such limitations as were prescribed by law and were necessary to protect public safety, order, health or morals or the fundamental rights and freedoms of others. In articles 21 and 22, similar restrictions were placed on the right of peaceful assembly and the right to freedom of association with others. The restrictions on freedom of expression of publications and the press and on the formation of parties, societies, political or professional associations and religious societies, laid down in articles 24 and 26 of the Constitution, were of the same order. In an Islamic country, protection of Islamic morals was in line with the protection of public morals allowed as a restriction in the Covenant. The methods provided for in the Covenant in order to guarantee the enjoyment of the rights in question had been accepted in principle in the Islamic Republic of Iran and every effort was being made to apply them.

7. The right to presumption of innocence, a fair trial and the services of a defence counsel were among the recognized and established rights of Islam and had been prescribed in the Constitution and laws of the Islamic Republic of Iran. The relevant provisions could be found in articles 32-42 of the Constitution.

8. The Covenant was thus respected in the Islamic Republic of Iran, whose objective of establishing justice, equity, political and economic freedom, solidarity among nations and avoidance of tyranny was based on the will of the people. From its inception, the Islamic Republic had made every effort to set up the necessary institutions to that end and make good the shortcomings that had existed before the Revolution. The people had approved the Constitution through a democratic vote. In accordance with that instrument the election of the President and the Consultative Assembly had taken place and the judicial, legislative and executive powers had been established, each working independently of the other. The country and its people had, for eight years, unhappily been subjected to a cruel war which had had devastating effects and caused irreparable damage. The authorities had made every effort to restore the institutions that had existed prior to the war and enforce the provisions of the Constitution. A number of parliamentary, presidential and other elections and referendums had been held and there had been spectacular popular participation in the country's efforts. The judicial order had been reorganized and steady progress was being achieved in improving the performance of the legal system and the protection of people's rights. The

judicial power at present comprised the General Prosecutor's Office, the Revolutionary Prosecutor's Office, two civil courts, two penal courts, a revolutionary court, a special civil court and, in accordance with article 172 of the Constitution, a special military court and a military prosecutor. In the civil and penal courts, Court No. 1 would in each case deal with more serious offences and Court No. 2 with less serious offences. Decisions taken in the lower courts could be appealed against in the higher courts. There was a special court to deal with such matters as marriage, divorce and inheritance. The Supreme Court was at the head of the judicial power. It was the ultimate body of appeal and was responsible for ensuring equality in the dispensing of justice. It had more than 30 chambers, all comprising experienced judges and jurists. Article 35 of the Constitution provided that both parties to a lawsuit had the right in all courts of law to select an attorney, and if they were unable to do so arrangements must be made to provide them with legal counsel. If a court refused to accept a counsel, that court's judgement would be annulled by the Supreme Court and the judge would be subject to disciplinary action. There had been some cases of the kind in which the judgement had been overturned and a retrial had been ordered when the services of an attorney were available. In cases related to offences punishable by a life sentence or capital punishment, the presence of a counsel was obligatory whether or not the defendant wanted one. Any judgement in a proceeding where that provision was not respected would be overturned by the Supreme Court. In a recent case, the Legal Office of the judicial power had expressed the opinion that an accused person before the Revolutionary Court could have the services of a counsel even though there was no special law providing for such services in that court. Other provisions establishing justice and equity in the defence of accused persons were described in the report. Judges were chosen by the judicial power according to their competence. Anyone applying for such a post must hold a law degree from a faculty of law in the Islamic Republic or must have undergone certain legal and theological training and have passed appropriate examinations. There was a special disciplinary court before which judges could be brought if a complaint was made against them. There was also a court of administrative justice, established under article 173 of the Constitution to investigate the complaints, grievances and objections of the people with respect to government officials, organs and statutes; and, under article 174, a national general inspectorate to supervise the proper conduct of affairs and the correct implementation of laws by the administrative organs of the Government. A government body similar to the Administrative Justice Tribunal had been approved prior to the Revolution but had not come into being until the Islamic Republic had been formed. It now had more than 20 chambers.

9. As could be seen from the report, the Iranian Senate had ratified the Covenant on 27 April 1975. A short introductory report had been provided by the former regime in August 1977, and following the triumph of the Islamic Revolution, its initial report had been submitted in July 1982. The submission of the second periodic report had been delayed by the war. Following the cessation of hostilities, the Islamic Republic had entered into close cooperation with the United Nations on human rights matters, particularly with respect to the Covenant. A number of human rights seminars had been convened in the country with the Government's active participation, and there had been many useful discussions and exchanges.

10. There was a human rights office within the Ministry of Foreign Affairs which, among a great many other activities, was involved in the convening of meetings for discussion, from the scientific, theological and intellectual standpoints of issues relating to human rights. The Covenant had been on the agenda at such meetings. Articles relating to human rights had appeared in a periodical published by the Ministry of Justice, and the Farsi text of the Covenant had recently been issued in that publication.

11. A course on human rights was given in the Faculty of Law. Trainees preparing to enter service in the Justice Department took a course on the Covenant. Experts from the Committee were surely aware, as some of them had participated in it, that a course on advisory and technical services in human rights had been conducted in 1992 in the Islamic Republic of Iran.

12. The second periodic report that was now before the Committee had been prepared by a number of eminent jurists and judges. All the articles in the Covenant were touched on and information was provided on legislation, law enforcement and a number of other matters. Numerous provisions of the Constitution, domestic legislation and jurisprudence were covered.

13. The Islamic Republic of Iran consistently endeavoured to implement the Covenant's principles and thereby to attain social justice. If any violations were committed by the authorities, efforts were made to put an end to them. In view of the Committee's mission in the field of human rights, his Government would welcome its opinions and assistance.

14. The CHAIRMAN thanked the Iranian delegation for its introduction and invited it to reply to the questions in section I of the list of issues relating to the second periodic report, which read:

"I. Constitutional and legal framework within which the Covenant is implemented; state of emergency; non-discrimination and equality of the sexes (arts. 2, 3, 4 and 26)

(a) Please clarify the status of the Covenant within the Iranian legal system, particularly whether individuals can invoke the provisions of the Covenant directly before the courts.

(b) How can a conflict that may arise between the provisions of the Covenant and Islamic law be resolved? In view of the statement made by the representative of the Islamic Republic of Iran during the consideration of the initial report, has there been a general review undertaken of the compatibility of the provisions of the Covenant with Islamic law?

(c) Has the Guardian Council, provided for under article 91 of the Constitution, had the opportunity to pronounce itself on the compatibility of the legislation with Islam and what have been its decisions concerning human rights?

(d) Please comment on the compatibility with articles 2 (1) and 26 of the Covenant of the provisions in articles 3 and 20 of the Constitution providing for the equal protection under the law of all citizens of the country, in conformity with Islamic criteria.

(e) Please provide further information, including relevant statistical data, concerning the participation of women in the political and economic life of the country (para. 42 of the report).

(f) Please clarify the application in practice of legal provisions relating to the dowry system as well as on their conformity with articles 2, 3 and 26 of the Covenant.

(g) Please comment on the impact of article 2, paragraph 1, of the Constitution upon the provisions of article 26 of the Covenant in respect of all the citizens of the Islamic Republic of Iran.

(h) In which respects, other than in the exercise of political rights, are the rights of aliens restricted as compared with those of citizens?

(i) Please provide information on the law and practice relating to the employment of minors."

15. Mr. MEHRPOUR (Islamic Republic of Iran), referring to paragraph (a), said articles 77 and 125 of the Constitution indicated that treaties, agreements and other international instruments must be approved and ratified by Parliament. After ratification, such an instrument passed into law, in conformity with article 9 of the Civil Code. Since the Covenant had been ratified in Parliament, it had become an integral part of the body of law in the Islamic Republic of Iran. It had the same validity as other domestic legislation and was enforced as such. Many of the general principles set out in the Covenant had in fact already been reflected in Iranian legislation.

16. As to whether individuals could directly invoke the Covenant and courts could issue rulings on the basis of the Covenant, he said no jurisprudence existed in that matter. It should be noted, however, that the Legal Department of the judiciary, which elucidated matters that might be unclear to judges and jurists, especially young ones, had given an advisory opinion to the effect that there would be no difficulty involved in invoking the Covenant before the courts.

17. Referring to paragraph (b), he said that since the Covenant was part of the law in the Islamic Republic of Iran, having been ratified in Parliament, it was unlikely that a conflict would arise between it and other instruments of domestic law. If one did, however, the conflict would be resolved in accordance with domestic legislation. No jurisprudence existed on such matters.

18. In answer to the question in paragraph (c) on the Guardian Council, he said that it had not yet handed down any decision dealing specifically with human rights, but in all decisions reflected a regard for the freedom and equality of the individual before the law and the need to avoid any form of

discrimination. The Guardian Council's duties were to scrutinize the laws passed by the Parliament to ensure that they did not infringe the principles of the Constitution.

19. In response to the question in paragraph (d), he referred members of the Committee to paragraphs 41-48 of the report, which gave a full explanation of the subject. His Government saw no conflict between the Covenant and articles 3 and 20 of the Constitution.

20. Turning to paragraph (e), he said the scope of women's activities in social, political and economic affairs had been expanding notably. Statistics showed a speedy increase in the presence of women at all levels and in all areas of society. A number of bodies were actively engaged in efforts to improve the status of women. A women's cultural and social council had prepared a charter of women's rights. Family committees met once a week to review legislation and make proposals. A presidential adviser on women's issues had been appointed. Women were active in the Ministry of Foreign Affairs. In the most recent parliamentary elections, 90 women candidates had stood for office and nine of them had been elected. The number of women candidates had been far greater than ever before, and the nine women elected compared favourably with the total of four who had previously held seats in Parliament. All nine had been elected with a strong majority and in the first round, even though many of them had been seeking to represent highly traditional and religiously oriented districts. Many women had been involved in supervising the conduct of the elections.

21. In the numerous publications on the subject of women's rights, a wide variety of issues were discussed. A total of 443,840 women were employed in the various ministries, government offices and departments. Of that number, 45 per cent were directors of offices or departments. Twenty-five per cent of all attorneys were women, and there were many women doctors and graduates of higher educational institutions.

22. With respect to the question in paragraph (f) on the dowry system described in paragraph 45 of the report, he said that in accordance with the Civil Code, the dowry was a monetary contribution in a specific amount given to the wife by her husband at the time of marriage. The amount was determined by mutual agreement: both parties had to be satisfied. The wife could demand payment of the dowry in full at any time following her marriage. The system existed in all Islamic countries and represented a form of protection and security for women and a way of establishing financial equality between men and women. Other measures to ensure protection for women included a law recently passed by Parliament that incorporated social security rights for widows and divorced women.

23. As to the question in paragraph (g), he said Muslims believed that sovereignty over the entire world was exercised only by God. All individuals, irrespective of their race or sex, were flowers in the garden of humanity and were entitled to respect. The monotheism practised in the Islamic Republic of Iran was in no way in conflict with the principles of human rights. From the Islamic point of view, the most respected people in the eyes of God were those

who were pious, observing abstinence and honouring human rights. The fact of belonging to a particular religion, race or ethnic group did not bestow any privilege.

24. With regard to paragraph (h) of the list, he said that his country's legislation contained certain restrictions with regard to foreigners. For example, under article 81 of the Constitution, it was prohibited to grant concessions to foreigners for the formation of companies or institutions dealing with commerce, industry, agriculture or mining. Under article 82 of the Constitution, the employment of foreign experts was forbidden, except in case of necessity and with the approval of the Islamic Consultative Assembly.

25. There were also certain stipulations with regard to ownership rights. If a foreigner wished to buy real estate, he had to request permission to do so. If he subsequently left the country, he had to sell the property. If he was unable to do so before leaving the country, the property would be sold by the State to the highest bidder and the money handed over to the previous owner.

26. Referring to paragraph (i), he said that the employment of persons under 15 years of age was forbidden under his country's labour legislation. Employers could employ adolescents provided that they observed certain regulations designed to protect the rights of the youths. For example, prior to being employed, a youth had to be examined by a doctor, who had to give his views concerning the suitability of the type of work proposed. If the doctor considered it inappropriate for the youth, the employer had to provide a different kind of employment. Under the Labour Act, adolescents were prohibited from performing dangerous work. Any work that might inflict physical or moral damage must be performed by persons above 18 years of age.

27. Mr. SADI welcomed the Iranian delegation and urged it to view the dialogue with members as a two-way street that would enable the delegation to learn from the Committee and vice versa.

28. The report of the Islamic Republic of Iran contained a considerable amount of information. However, he wished to emphasize that the central point was the status of the Covenant in the Islamic Republic. The main concern of members was whether the Covenant might come into conflict with Islam. It was well known that Islam was a merciful and compassionate religion. However, in modern times, the image of Islam had been distorted and had caused the non-Muslim world to view Islam as isolated from its true nature. The Covenant was not a perfect instrument. However, it had been formulated and adopted with the help of many countries, including Muslim nations, and had to be accepted as it was.

29. The delegation had said that the Covenant had become the law of the land. He would like to know how that could be the case since the Covenant could not be invoked in the Iranian courts. In his opinion, the Government must do more to ensure that information on the Covenant was disseminated on a greater scale in the country. The Islamic Republic of Iran had ratified the Covenant and had therefore become accountable. If no jurisprudence existed in the country in connection with the Covenant, that perhaps meant that the Covenant had yet to be given its due in Iranian legislation. He referred to article 2 (2) of

the Covenant and said that the Islamic Republic still had to take that additional step. Islam was exemplary in the human rights field and Iran could easily meet its obligations under the Covenant.

30. Mr. EL SHAFEI welcomed the delegation of the Islamic Republic of Iran to the Committee and noted that it was the second time that an Iranian delegation was taking part in a dialogue under article 40 of the Covenant. He commended the delegation on the report, which had been prepared in accordance with the Committee's guidelines, although it did not give a great deal of information concerning the actual situation in the Islamic Republic.

31. The events of 1979 had caused radical changes in all walks of life in the country. The Revolution had brought with it a new type of human relations not only through positive law but also through an attempt to apply holy law. Those entrusted with the application of that holy law sincerely thought that it brought a solution to all problems of human society. There could be some contradiction between the prescriptions of a modern legal system and a global legal system referring to a divine legitimacy. That contradiction had not yet been resolved and great efforts were required to find a symbiosis between the two systems.

32. The establishment of the new legal system in the Islamic Republic had required institutions and machinery for its implementation and the brief period during which the authorities had been applying that system and the lack of sufficiently qualified persons had led to excessive errors in its implementation.

33. The Islamic Republic of Iran had been involved in a long and difficult war which had led the authorities to take certain security measures. Those measures had undoubtedly had negative effects with regard to the exercise of certain rights and freedoms. The destruction of the country's economy had also prevented the direct enjoyment of another type of freedom, namely economic and social freedom. While those restrictions might have been necessary in time of war, years had elapsed since the end of the war and he therefore found it difficult to understand why so many limitations continued to exist with regard to those rights and freedoms.

34. One of the aims of the dialogue with the Committee should be to clarify that situation in detail. The fact that the international community rejected systematic and continuing violations of human rights did not mean that it was hostile or biased. The Committee was composed of independent legal experts in the human rights field who did not represent their countries but served in a personal capacity. They represented various civilizations, some very old and others quite modern. By acceding to the Covenant, States parties assumed certain obligations.

35. With regard to section I of the list of issues, he noted the Iranian representative's statement that the Covenant was an integral part of national legislation. However, more information was required in that regard, considering that the Covenant had not yet been invoked in legal proceedings and no judgement had yet been rendered on the basis of its provisions. The

Committee would also be grateful if the delegation could explain the efforts being made by the authorities to disseminate the Covenant, for example, in professional circles.

36. Noting that article 19 of the Constitution provided that "All people of Iran, whatever the ethnic group or tribe to which they belong, enjoy equal rights; and colour, race, language and the like do not bestow any privilege", he asked whether that meant that there was no discrimination on grounds of national origin or political opinion. He would also like to know what was the situation with regard to linguistic or national minorities and whether the right to practise one's religion or language was protected. Lastly, he asked whether any notification had been made through the Secretary-General concerning any derogation, as required by article 4 of the Covenant.

37. Mr. LALLAH joined in extending a warm welcome to the Iranian delegation. The State party's resumption of the dialogue with the Committee after so many years boded well and the delegation had shown a very constructive approach in its introduction to the second periodic report, which was clearly based on extensive research, although it could have provided more information on how the legislation it described was given practical effect. He was pleased to note the efforts being undertaken to make the provisions of the Covenant known to senior officials of ministries and administrations, something he had seen for himself during a recent visit to Tehran to attend a seminar. Furthermore, the country's commitment to respect for the right to life had been well demonstrated by its reception of some 1.5 million refugees at the time of the recent Gulf war. Like Mr. El Shafei, however, he would like to be sure that the State party had complied with the provisions of article 4 of the Covenant in times of emergency.

38. Turning to paragraph 5 of the report, he inquired whether adherents of religions not enumerated in that paragraph were accorded the same treatment as those of religions that were listed there. One had the impression that religions must first be recognized for rights to be granted.

39. Paragraphs 16-19 of the report provided details of the workings of the judicial system, as well as insight into the status of the judiciary. In that regard, he was surprised by the statement in paragraph 19 that whenever an individual suffered moral or material loss as a result of a default or error of a judge, the defaulting judge must stand surety for the reparation of the loss incurred. He wondered what was intended by that constitutional provision, which might expose judges to certain risks. Did the same provision apply to both civilian and Islamic judges? Also in that connection, he would like to know what was the role of the clergy in the judiciary and how they interacted with civilian judges.

40. Mr. HERNDL welcomed the delegation of the State party and asked whether the Committee might know the exact position occupied by the head of the delegation, Mr. Mehrpour, who was described in the note of introduction from the Permanent Mission of the Islamic Republic of Iran as a representative of the judicature.

41. The first of the concerns he wished to raise in connection with section I of the list of issues related to the status of the Covenant within the Iranian legal system. While he had carefully noted the replies already given in that regard, he would still appreciate clarification of the statement in paragraph 6 of the report that the provisions of the Covenant were incorporated in the Constitution as well as in other laws. How had that been done and through what specific laws? He was particularly concerned about the confusing effects of the application in a legal system of Islamic criteria, which according to article 4 of the Constitution must be the basis of all laws and regulations.

42. His second concern related to the non-discrimination provisions of articles 2, 3 and 26 of the Covenant taken together. Both the delegation and the report had affirmed that there was equality of rights between men and women. Yet article 21 of the Constitution appeared to establish specific women's rights. Furthermore, paragraph 42 of the report stated that women could hold "various governmental and non-governmental posts", which would imply that they might not be able to hold some posts. Statistics had been requested on that issue, but none had been provided. An Act of 14 May 1982 stipulated that judges were to be chosen from among men. Did that Act apply to the whole of the judiciary and was it compatible with articles 3 and 26 of the Covenant? Also, in civil law, in matters relating to inheritance, divorce, family planning and so on, it again seemed that different treatment was accorded as between men and women.

43. Concerning the Baha'i community, aside from the issue of freedom of religion under article 18 of the Covenant, there appeared to be a problem of access to public office and the professions. In that regard, the ILO had questioned the degree of compliance with the 1958 Convention concerning Discrimination in Respect of Employment and Occupation. Baha'is had reportedly been expelled from government posts as recently as 1990. Baha'i farmers were said to have been denied membership of agricultural cooperatives. Young people from the Baha'i community had, furthermore, reportedly been refused entrance to universities. Such information gave reason to believe that there had been serious cases of discrimination. A prime ministerial directive on equal opportunities in employment seemed unable to improve matters, and a Ministry of Labour directive of 8 December 1981 actually required courts to withhold any judgement in favour of dismissed employees proven to be members of the Baha'i faith.

44. Lastly, while the report largely followed the Committee's guidelines, it contained little reference to actual practice and provided virtually no statistical information. In his view, the discussion of the legal system also failed to enable the reader to grasp the essentials of the law. He therefore hoped that the next periodic report would offer a clearer exposition.

45. Miss CHANET joined in welcoming the delegation of the State party, which was to be commended on breaking a silence that had lasted nearly 10 years in order to resume its reporting obligations under article 40 of the Covenant. She appreciated the form of the report, which furthermore contained sufficient information to serve as a basis for reopening the dialogue with the Committee.

46. In connection with section I of the list of issues, like previous speakers she would welcome clarification as to how the provisions of the Covenant had been incorporated in the Constitution and other laws. As had also been pointed out, article 3 of the Constitution, in enumerating the rights of the individual, framed those rights with restrictions deriving from the principles of Islam, but the Covenant could not be applied in such a way as to reflect considerations determined by any one religion. She questioned the delegation's claim that since the Covenant formed an integral part of Iranian law, the possibility of conflict was a purely theoretical matter. She expected that Committee members' questions would reveal very practical problems of conflict between the provision of the Covenant and national legal provisions.

47. With regard, more specifically, to article 3 of the Covenant, it was stated in paragraph 42 of the report that women could be ministers, members of parliament, attorneys-at-law or university professors, or hold other high offices. However, the Commission on Human Rights had been told only recently by its Special Rapporteur that 89 per cent of rural women were illiterate, a situation due in large part to the closure of girls' schools and lack of teachers outside urban areas. It would therefore seem that only a very small segment of the female population could have access to such posts. She would appreciate clarification both on that issue and regarding the information provided by ILO that there were legal provisions preventing women from becoming judges. If there were in fact women judges, what was their status in the judiciary and in what branches of law did they exercise their functions? It was reported, furthermore, that legal rules existed whereby compensation payable to a murder victim's next of kin was half as much for a female as for a male victim. She also had information that women were not able to travel abroad without permission from their spouses. Was that the case and, if so, how could those rules be reconciled with the provisions of articles 3 and 12 of the Covenant? Regarding the Islamic dress code for women, severe penalties including corporal punishment and imprisonment were said to be imposed for violations. It had been reported that Iranian women demonstrating against such practices on 15 June 1991 had been killed by Revolutionary Guards. Could the delegation confirm or deny that report?

48. On the issue of discrimination, she wished to know whether it was true that the law on the appointment of judges excluded persons born out of wedlock from the judiciary. Lastly, she would appreciate clarification of the strange rule in criminal cases that an individual would not be liable to the death penalty if convicted of murdering a mentally ill person. Did that reflect the existence of special legislation restricting the rights of the mentally ill?

49. Mr. ANDO joined other members of the Committee in welcoming the delegation of the Islamic Republic of Iran. The State party had submitted a good report on legal aspects of implementation of the Covenant, but more information was needed on actual practice.

50. He wondered to what extent the Administrative Justice Tribunal mentioned in paragraph 18 of the report dealt with issues of unconstitutionality and whether any person could bring an action before the Tribunal in that connection. If the Tribunal were able to decide that a law or regulation was unconstitutional, did that law or regulation immediately lose its effect or

did the legislature have to amend or rescind it? Also, if the Covenant was part of ordinary law, could the constitutionality of its provisions be tested in the same fashion?

51. Referring to paragraph 34 of the report, he would like clarification as to the extent of liability of civil servants for damage caused in the discharge of their duties. Regarding the military courts (para. 32), he would welcome more information concerning their jurisdiction and on means of appeal from their decisions. In addition, he would be grateful for clarification as to the distinction between a permanent marriage and a temporary marriage (para. 45 of the report) and on any differences in rights between men and women in respect of transmission of nationality to their children, as well as in regard to inheritance. Also on the subject of equality between the sexes, like Miss Chanet he was concerned to know how free women were to choose their form of dress. Lastly, did the Government of the Islamic Republic of Iran have plans to accede to the Convention on the Elimination of All Forms of Discrimination against Women?

The meeting rose at 1 p.m.